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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CLYDE LIVINGSTON,

12 Plaintiff,

13 v.

14 UNUM PROVIDENT, et al.,

15 Defendants.
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No. 2:14-cv-0456 LKK CKD PS

ORDER

17 Plaintiff is proceeding in this action pro se and brings this action under ERISA. The
18 ERISA venue statute provides that an action may be brought in the district where the plan is
19 administered, where the breach took place, or where a defendant resides or may be found. 29
20 U.S.C. § 1132(e)(2). In this case, the plan is administered in Maine and defendant Unum
21 Provident is located in Portland, Maine. Therefore, plaintiff's claim should have been filed in the
22 United States District Court, District of Maine, Portland Division. In the interest of justice, a
23 federal court may transfer a complaint filed in the wrong district to the correct district. See 28
24 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

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1 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
2 States District Court, District of Maine, Portland Division.

3 Dated: February 13, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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